

**UNITED STATES DISTRICT COURT**  
DISTRICT OF NEW JERSEY

CHAMBERS OF  
**SUSAN D. WIGENTON**  
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING COURTHOUSE  
50 WALNUT ST.  
NEWARK, NJ 07101  
973-645-5903

May 16, 2016

Jonathan Dienst  
NBC Universal  
30 Rockefeller Plaza  
New York, NY 10112

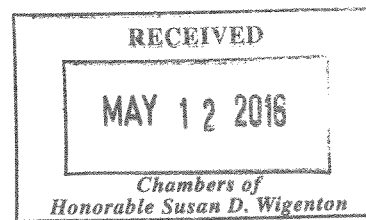
**Re: Request for access to Defendant's letter in USA v. Saadeh,  
Case No. 15-cr-00558-SDW**

Mr. Dienst:

This Court is in receipt of your May 10, 2016 letter requesting access to Defendant Alaa Saadeh's April 2016 letter addressed to this Court. The requested letter is attached.

s/ Susan D. Wigenton  
**SUSAN D. WIGENTON**  
**UNITED STATES DISTRICT JUDGE**

Orig: Clerk  
cc: Chief Judge Jerome B. Simandle  
Parties

**NBCUniversal**

May 10, 2016

Hon. Susan Wigenton  
US District Court  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

US v. Saadeh (2:15-cr-00558)

Dear Judge Wigenton:

WNBC respectfully writes to request immediate access to the April 2016 letter submitted by convicted ISIS terror-supporter Alaa Saadeh seeking leniency.

We believe Saadeh's letter expressing remorse and seeking a reduced sentence is a judicial record for which the public and the press have a presumptive right of access. It is the same right established by the Supreme Court in *Nixon v. Warner Communications* 435 US 589 (1978).

Indeed, the Court quoted from the letter in question during the sentencing hearing. In an analogous circumstance related to documents submitted during sentencing hearings, the Third Circuit has said: "If the court relies on such letters in its administration of justice, Article III duties are clearly implicated directly" (see: *US v Chang* 47 Fed Appx 119, 122 (3rd Circuit 2002); and "What constitutes a 'judicial record' hinges on 'whether a document has been filed with the court, or otherwise somehow incorporated or integrated into a district court's adjudicatory proceedings.'" In *re Cendant Corp.*, 260 F.3d 183,192 (3d Cir.2001). That the Court quoted from Saadeh's letter at sentencing also weighs against any privacy consideration compared to the strong presumptive right of access.

We also take this opportunity to again join with other news organizations to request reconsideration of District Court Rule 11 (see "Exceptions to Electronic Filing") that allow for sentencing letters to be submitted directly to chambers and kept from public inspection. The Third Circuit has stated similar letters should be made readily available to the public and the press for review. see *US v Kushner* (04-CR-580 quoting the 2nd Circuit): "Letters Referenced in Sentencing Memoranda For the reasons set forth above concerning the presumptive accessibility of sentencing memoranda, the strong presumption of access attaches to any letters excerpted or explicitly referenced in defendant's memorandum. See *Lawrence*, 167 F.Supp.2d at 506 & n. 2 ... Again, these letters have been, by defendant's choice, thrust into the public domain..." (see *Cendant*, 260 F.3d at 192.)

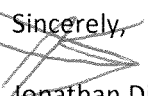
In other judicial districts there are rules requiring that letters submitted in connection with sentencing be publicly filed barring major privacy concerns. The recent case of former House Speaker John Dennis Hastert is just one example: "The letters were submitted in mitigation, and as such they must be part of the public record if the Court is to consider them ... The Court will not consider any letters addressed to the Court unless they are publicly filed." (*US v Hastert* 1:15-cr-00315, District of Illinois (2016))

**NBCUniversal**

We believe the news value and the public's right to know support immediate disclosure of this letter. If the Court decides the letter should remain secret, WNBC respectfully requests the Court make on the record and particularized findings that provide information on the interests that outweigh what we believe is our presumptive right of access.

Thank you very much for your time and consideration.

Sincerely,

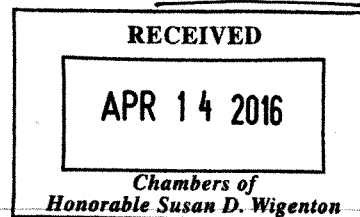


Jonathan Dienst  
Chief Investigative Reporter, WNBC  
212-664-4026

Cc: Press Office, US Attorney Paul Fishman

Maria Noto, Attorney For Saadeh

Hon. Jerome Simandle, Chief Judge District of New Jersey



Dear Honorable Susan D. Wigenton, U.S.D.J.,

I would like to start off by apologizing and saying I'm sorry. I know I made one of the biggest mistakes and I messed up big time. I admit my wrongs and understand the consequences that come with them. I was fooled and also a bigger fool for believing this group named ISIS had any real intentions of helping oppressed muslims overseas claiming they are trying to do good. These were the ideas they were promoting and the ideas I supported. My heart was always in the right place, because of this something inside was telling me to fear these people causing me to have doubt. Once this doubt overtook me I had made my decision to forget about these ideas and enroll back into college and this time finish no matter what I succeeded and finished my first semester with two B+'s and two C+'s I know I could've done better but I was happy with myself I enrolled in the next semester excited planning to do even better but little did I know it was a semester I never got to see. I had been caught up with this case a week before the semester started. Your Honor I never wanted to hurt anyone or cause any harm against my country. I was born and raised in New Jersey all my life this is the only home I know. As far back as I can remember I was never a violent person or even a trouble maker and I don't ever see myself being a violent person its not in my nature.

This group turned out to be the exact opposite of anything to do with helping or being good these words don't even exist in their vocabulary. All they are doing is manipulating the minds of our youths and many others with false ideologies. To me they are no different than a disease or a virus corrupting our world.

The things these Savages are doing is inhumane and barbaric. It hurts me deeply that my name and this group are mentioned on the same page let alone the same sentence.

I cry and wish all day and all night long wishing this never happened to me and that maybe if I made smarter choices I wouldn't be here to even praying that I can take it all back and that all this would go away and even as I'm writing you this I still have these hopes, but that's not going to happen because life doesn't work that way. One thing that I know will happen is me learning from my mistakes and moving on with my life this is something I have already started to do.

I have plans for myself that I would love to accomplish. I want to finish my college education and even get my masters in Business Management making my family proud and also myself. I want to prosper in life keeping the promise I made to my mom 9 years ago before she was deported. I wasted a good portion of my first chance at life and I feel like I have gotten a second one and I'm very thankful for it. I want to start my second chance as soon as I can so in prison I plan on utilizing all the tools they have to offer not waiting to get out to start my journey to a masters degree and completing it. I even want to take some trades as a plan B. I feel because of this I have disappointed my family and I don't want to be a disappointment this whole arrest has been a nightmare for them and I. I don't ever want to see the inside of a jail or a prison ever again after this. Promising you that this will be my first and my last time. I ask you to support me in my second chance and please find mercy in your heart come sentencing time. I give you my word you will never see me in your court room again.

Thank you,  
with much Respects  
Alaa Saadeh

